

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF WASTE MANAGEMENT POLICY 97-01
related to
SOLID WASTE PERMIT FEES FOR RECLAMATION FACILITIES

May 7, 1997

Background

K.A.R. 28-29-84 establishes the fees to be paid to obtain new solid waste permits and to renew existing permits. Permit fees are specified for each type of solid waste facility required to obtain an operating permit from the department. The permit application fee for a new "reclamation facility" is \$2,000. The annual permit renewal fee for a "reclamation facility" is \$1,000.

House Bill (HB) 2226, which was signed into law in April 1997, modified the definition of "reclamation facility" to include facilities which process "industrial wastes." This bill also added a new definition to the law for "industrial waste." "Industrial wastes" include materials, which may be processed for recycling, such as waste oil filters or fluorescent lamps.

Prior to the passage of HB 2226, state law was unclear as to whether solid waste permits were required by facilities which process industrial waste in order to recycle material. This is because there is a general exemption in the definition of solid waste for recyclables. The question has been: When is a waste material a "recyclable?" The law now clearly distinguishes "industrial wastes" from "recyclables." The processing of industrial waste to produce recyclable material is an activity that requires a permit. The "recyclables" produced by reclamation facilities are no longer classified as solid waste and can therefore be utilized as raw material by businesses which do not hold solid waste permits.

Some facilities have been carrying out industrial waste processing activities in Kansas without a permit. These businesses must now apply for permits to continue regulated operations.

Purpose

This BWM policy provides guidance to staff and current or potential operators of reclamation facilities related to the payment of permit application fees. Justification is presented for allowing reduced permit fees when industrial waste(s) are processed for recycling at a reclamation facility. Short-term guidelines are provided to utilize existing regulatory variance procedures to establish reduced permit fees. A long-term goal to revise the solid waste permit fee regulations is also established in this policy.

State Solid Waste Management Goal

The Kansas Solid Waste Management Plan encourages businesses and local governments to implement recycling and other waste reduction activities. The Kansas Legislature also clearly stated its opinions related to waste reduction and recycling by incorporating new language into state law through HB 2226. K.S.A. 65-3401 now reads: "...it is the policy of the state to **encourage the wise use of resources through development of strategies that reduce, reuse, and recycle materials.**" In addition, state law directs KDHE to administer a grant

program which provides financial assistance to local units of government and private parties to implement projects which result in decreased waste generation or improved waste recovery and material reuse.

The large permit fees required for solid waste reclamation facilities may inhibit the startup or continuation of recycling projects with marginal economic feasibility. In some cases, the \$2,000 initial permit fee may be sufficiently large to discourage a new desirable program from getting started. Because this possible outcome is inconsistent with the state's overall goal of increased waste recycling, some adjustment in the permit fee for such operations may be appropriate.

Short-Term Action

To encourage businesses to implement industrial waste recycling activities, it shall be the policy of the Bureau of Waste Management, which administers the solid waste permitting program, to notify potential applicants that a variance to the permit application fee set forth in regulations may be requested. Such notice shall occur verbally and on the application form for solid waste reclamation facilities. The department will consider such requests to reduce to the fee to facilitate the economic feasibility of project implementation. In accordance with K.R.A. 28-29-2, applicants will be required to demonstrate to the department that the current specified fee would significantly effect the ability of the company to pursue the proposed program. For businesses which are already performing industrial waste recycling activities and are now required to obtain permits by the passage of HB 2226, the demonstration should explain the adverse impact which would be experienced if the \$2,000 permit fee is not reduced.

With an adequate demonstration supporting the request for a variance, the department will allow the initial permit application and renewal fee to be \$250. This is the same fee paid for private composting facilities. This reduced amount does not cover KDHE's cost of processing and issuing the application; however, it is considered appropriate in order to encourage the development of projects related to waste reduction and recycling.

Long-Term Action

The Bureau of Waste Management will begin the process of amending K.A.R. 28-29-84 to modify the permit fees paid for reclamation facilities. As part of this process, the fees paid by all types of solid waste facilities will be evaluated to determine if other changes are appropriate to conform with recently established goals set forth by the Legislature and in the Kansas Solid Waste Management Plan.



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Date